REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-11, 13-28, and 30-40 are presently active in this case.

In the outstanding Official Action, Claims 1, 3-11, 13-28, and 30-40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Levi (U.S. Patent No. 6,636,983) in view of Naito et al. (U.S. Patent App. Pub. No. 2001/0029530). For the reasons discussed below, the Applicant traverses the obviousness rejection.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicant submits that a *prima facie* case of obviousness has not been established in the present case because (1) the references, either when taken singularly or in combination, do not teach or suggest all of the claim limitations, and (2) there is no suggestion or motivation to modify the references to arrive at the present invention.

Claim 1 of the present application advantageously recites a peripheral device comprising, among other features, means provided in the peripheral device for selecting one peripheral device out of the plurality of peripheral devices, including peripheral devices other

2

than the peripheral device, to manage the peripheral devices. Claim 11 recites a system

comprising, among other features, means provided in each peripheral device for selecting one

peripheral device out of the plurality of peripheral devices, including peripheral devices other

than the peripheral device, to manage the plurality of peripheral devices. Claim 21 recites a

method comprising, among other steps, the step of using a peripheral device of the plurality

of peripheral devices to select one peripheral device out of the plurality of peripheral devices,

including peripheral devices other than the peripheral device, to manage the peripheral

devices. And Claim 28 recites a computer program product comprising, among other

features, a second computer code device configured to select the one peripheral device out of

the plurality of peripheral devices, including peripheral devices other than the peripheral

device, to manage the peripheral devices. The Applicant submits that the above features are

not disclosed or suggested by the cited references.

The Official Action acknowledges that the Levi reference fails to teach means

provided in the peripheral device for selecting one peripheral device out of a plurality of

peripheral devices to manage the peripheral devices. The Official Action cites the Naito et al.

reference for such a teaching. The Official Action indicates that the server (2) of the Naito et

al. reference is cited for the teaching of the peripheral device of the present invention that that

performs the setting of another peripheral device other than itself.

The Applicant submits that the server (2) of the Naito et al. reference, which is cited

for the teaching of the peripheral device recited in the independent claims of the present

application, is not a "peripheral device" as that term is used by those of ordinary skill in the

art. A server is not considered a peripheral device. In fact, even the Naito et al. reference

does not consider the server (2) a peripheral device. As noted in Claim 13, for example, the

Naito et al. reference defines the peripheral device as a printer, a scanner, a copying machine,

or a facsimile apparatus. Claims 37-40 of the present application define the peripheral device

as a printer, a multi-function peripheral, a digital copier, a fax machine, a copy machine, or a

combination thereof, although the independent claims can cover others in addition.

The Naito et al. reference does not disclose that any of the peripheral devices includes

means for selecting one peripheral device out of the peripheral devices to manage the

peripheral devices. The Naito et al. reference depicts and describes an embodiment in Figure

2 that includes peripheral devices, namely, printers 6 and 7, and copying machines 8 and 9.

As noted in paragraphs [0131] and [0132], the peripheral devices each include a network

board, which are each labeled with reference numeral 212 in the peripheral devices. The

Naito et al. reference does not describe the server or the PCs as a peripheral device.

Additionally, the Naito et al. reference does indicate that the server (2) is controlling the

various components of the system. None of the peripheral devices, namely printers 6 and 7,

and copying machines 8 and 9, are ever described as having the ability to select one

peripheral device out of the peripheral devices to manage the peripheral devices. None of the

portions of the Naito et al. references referred to on page 3 of the Official Action describe a

peripheral device that has the ability to select one peripheral device out of the peripheral

devices to manage the peripheral devices, nor do they describe a peripheral device with the

ability to manage other peripheral devices. The peripheral devices merely receive

4

instructions and updated setting from the server (2) or the manger PC (3) (see, e.g. [0112]-[0115]), but the peripheral devices do not manage other peripheral devices.

The present invention advantageously allows a peripheral device to select amongst the plurality of peripheral devices, including the other peripheral devices, a peripheral device that acts as the manager based on a variety of criteria. By way of illustration and not limitation, the specification describes an embodiment in which the selection is based on criteria such as CPU performance of the individual peripheral devices, memory size, average load, etc. (Page 4, paragraph [0024].) Thus, the present invention allows for the optimization of the management function of the system. Such features are not disclosed or even suggested in the Naito et al. reference or the Levi reference.

Accordingly, the Applicant submits that independent Claims 1, 11, 21, and 28 are not obvious in view of the combination of the Levi reference and the Naito et al. reference, as these references, either when taken singularly or in combination, fail to disclose or even suggest the limitations recited in the independent claims of the present application.
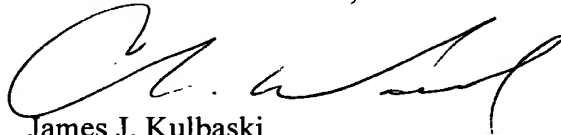
The dependent claims are considered allowable for the reasons advanced for the independent claims from which they respectively depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of their respective independent claim.

Consequently, in view of the above discussion, it is respectfully submitted that the

present application is in condition for formal allowance and an early and favorable

reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

James J. Kulbaski
Registration No. 34,648
Attorney of Record

Christopher D. Ward
Registration No. 41,367

Customer Number
22850
Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/01)

JJK:CDW:brf
I:\atty\cdw\210263US2\am3.doc